

**REPORT OF THE AUDIT OF THE  
TODD COUNTY  
CLERK**

**For The Year Ended  
December 31, 2008**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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## **EXECUTIVE SUMMARY**

### **AUDIT EXAMINATION OF THE TODD COUNTY CLERK**

**For The Year Ended  
December 31, 2008**

The Auditor of Public Accounts has completed the Todd County Clerk's audit for the year ended December 31, 2008. Based upon the audit work performed, the financial statement presents fairly in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

#### **Financial Condition:**

Excess fees increased by \$12,980 from the prior year, resulting in excess fees of \$58,732 as of December 31, 2008. Revenues decreased by \$6,961 from the prior year and expenditures decreased by \$19,941.

#### **Report Comment:**

- The Todd County Clerk's Office Lacks Adequate Segregation Of Duties Over Receipts And The Reconciliation Process

#### **Deposits:**

The County Clerk's deposits were insured and collateralized by bank securities.



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CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Arthur Green, Todd County Judge/Executive  
The Honorable Billy Fowler, Todd County Clerk  
Members of the Todd County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Clerk of Todd County, Kentucky, for the year ended December 31, 2008. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Clerk for the year ended December 31, 2008, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated July 28, 2009 on our consideration of the County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Arthur Green, Graves County Judge/Executive  
The Honorable Billy Fowler, Graves County Clerk  
Members of the Todd County Fiscal Court

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Todd County Clerk's Office Lacks Adequate Segregation Of Duties Over Receipts And The Reconciliation Process

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Todd County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

July 28, 2009



TODD COUNTY  
 BILLY FOWLER, COUNTY CLERK  
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2008

Revenues

State Fees For Services	\$	4,118
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Supplemental Revenue		60,610
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Fiscal Court		3,489
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Licenses and Taxes:

Motor Vehicle-

Licenses and Transfers	\$ 497,063	
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Usage Tax	794,755	
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Tangible Personal Property Tax	737,869	
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Other-

Marriage Licenses	4,437	
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Deed Transfer Tax	31,146	
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Delinquent Tax	46,088	2,111,358
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Fees Collected for Services:

Recordings-

Deeds, Easements, and Contracts	11,152	
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Real Estate Mortgages	7,852	
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Chattel Mortgages and Financing Statements	34,574	
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Powers of Attorney	897	
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All Other Recordings	26,691	
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Charges for Other Services-

Candidate Filing Fees	460	
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Copywork	2,501	
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Notary Fees	1,402	85,529
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Other:

Miscellaneous		227
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Interest Earned		738
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Total Revenues		2,266,069
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The accompanying notes are an integral part of this financial statement

TODD COUNTY  
 BILLY FOWLER, COUNTY CLERK  
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES – REGULATORY BASIS  
 For The Year Ended December 31, 2008  
 (Continued)

Expenditures

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 378,511

Usage Tax 770,912

Tangible Personal Property Tax 269,646

Licenses, Taxes, and Fees-

Delinquent Tax 21,910

Legal Process Tax 12,417

Affordable Housing Trust 13,086 \$ 1,466,482

Payments to Fiscal Court:

Tangible Personal Property Tax 55,614

Delinquent Tax 2,423

Deed Transfer Tax 29,589 87,626

Payments to Other Districts:

Tangible Personal Property Tax 377,425

Delinquent Tax 8,952 386,377

Payments to Sheriff

380

Payments to County Attorney

6,104

Operating Expenditures:

Personnel Services-

Deputies' Salaries 93,988

Employee Benefits-

Employer's Share Social Security 12,354

Employer's Share Retirement 24,635

Employer's Paid Health Insurance 17,825

Contracted Services-

Printing and Binding 2,022

Materials and Supplies-

Office Supplies 22,469

The accompanying notes are an integral part of this financial statement

TODD COUNTY  
 BILLY FOWLER, COUNTY CLERK  
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES – REGULATORY BASIS  
 For The Year Ended December 31, 2008  
 (Continued)

Expenditures (Continued)

Operating Expenditures: (Continued)

Other Charges-

Utilities	\$	759	
Bond		266	
Postage		3,068	
Conventions and Travel		1,634	
Miscellaneous		15	
Bad Debt Expense		188	
		<u>188</u>	\$ 179,223

Total Expenditures			\$ 2,126,192
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Net Revenues			139,877
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Less: Statutory Maximum			<u>74,020</u>
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Excess Fees			65,857
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Less: Expense Allowance		3,600	
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Training Incentive Benefit		<u>3,525</u>	<u>7,125</u>
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Excess Fees Due County for 2008			58,732
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Payment to Fiscal Court - February 12, 2009			<u>58,732</u>
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Balance Due Fiscal Court			<u><u>\$ 0</u></u>
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TODD COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 2008

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2008 services
- Reimbursements for 2008 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2008

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

TODD COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2008  
(Continued)

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer, defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.17 percent for the first six months and 13.50 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2008, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS







**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable Arthur Green, Todd County Judge/Executive  
The Honorable Billy Fowler, Todd County Clerk  
Members of the Todd County Fiscal Court

**Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards**

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Todd County Clerk for the year ended December 31, 2008, and have issued our report thereon dated July 28, 2009. The County Clerk's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the Todd County Clerk's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Todd County Clerk's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Todd County Clerk's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the regulatory basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comment and recommendation to be a significant deficiency in internal control over financial reporting.

- The Todd County Clerk's Office Lacks Adequate Segregation Of Duties Over Receipts And The Reconciliation Process



Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above, to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Todd County Clerk's financial statement for the year ended December 31, 2008, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Todd County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen  
Auditor of Public Accounts

July 28, 2009

COMMENT AND RECOMMENDATION



TODD COUNTY  
BILLY FOWLER, COUNTY CLERK  
COMMENT AND RECOMMENDATION

For The Year Ended December 31, 2008

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY AND MATERIAL WEAKNESS:

The Todd County Clerk's Office Lacks Adequate Segregation Of Duties Over Receipts And The Reconciliation Process

The Todd County Clerk's office has a lack of adequate segregation of duties. Due to a limited staff size, the same deputy preparing the consolidated checkout sheet also prepares the daily deposit, posts expenditures to the disbursements ledger and performs the monthly bank reconciliation.

Segregation of duties over daily checkout procedures, deposit preparation, monthly bank reconciliation, and disbursement posting or the implementation of compensating controls, when needed because the number of staff is limited, is essential for providing protection from asset misappropriation and/or inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

To adequately protect against the misappropriation of assets, we recommend the County Clerk separate the duties of preparing the daily deposit from the preparation of the consolidated checkout. The County Clerk could accomplish this by having another deputy count the cash and complete the deposit slip. The County Clerk could then take the deposit to the bank; the County Clerk's initials on the front of the deposit slip could verify this. Also, the posting of disbursements to the disbursements ledger and bank reconciliation should be separated. Another deputy could prepare the bank reconciliation. The County Clerk should review the bank reconciliation; the County Clerk's initials on the bank reconciliation could verify this. If these duties cannot be segregated due to a limited staff, then strong oversight should be provided to the employee or employees responsible for these duties.

*County Clerk's Response:* None.

